

AMENDED IN ASSEMBLY JULY 13, 2005

AMENDED IN ASSEMBLY JULY 1, 2005

AMENDED IN SENATE MAY 4, 2005

AMENDED IN SENATE APRIL 20, 2005

SENATE BILL

No. 428

Introduced by Senator Scott

February 17, 2005

An act to amend Sections 44252, 44252.5, 44252.7, 44274, 44274.2, ~~and 44275.3~~ 44275.3, ~~and 44830~~ of, to repeal Sections ~~44252, 44252.5, 44252.8~~ 44252.8, 44252.9, ~~44274.5, and 44830~~ and 44274.5 of, and to repeal Section 13 of Chapter 902 of the Statutes of 2004, relating to teachers.

LEGISLATIVE COUNSEL'S DIGEST

SB 428, as amended, Scott. Teachers.

(1) Existing law ~~requires the Commission on Teacher Credentialing to establish standards and procedures for the initial issuance and renewal of credentials, and prohibits the commission~~ *Commission on Teacher Credentialing* from initially issuing a credential, permit, certificate, or renewal of an emergency credential to a person unless that person passes the state basic skills proficiency test administered by the commission.

This bill would repeal those provisions and make various conforming changes.

(2) Existing law requires the Commission on Teacher Credentialing to grant a credential to an applicant from another state who completed teacher preparation that is at least comparable and equivalent to preparation that meets teacher preparation standards in California.

Existing law also requires such an applicant to meet the requirements for the basic skills proficiency test.

This bill would delete that requirement.

~~(3) Existing law requires the governing board of a school district to employ for positions requiring certifications qualifications only persons who possess the qualifications prescribed by law. Existing law also declares that it is contrary to the public policy of the state for a school district to refuse to employ a person for reasons of race, color, religious creed, sex, or national origin.~~

~~This bill would repeal those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 44252 of the Education Code is amended to read:

44252. ~~(a) The commission shall establish standards and procedures for the initial issuance and renewal of credentials.~~

~~(b) Commencing on February 1, 1983, the Commission on Teacher Credentialing shall not issue initially any credential, permit, certificate, or renewal of an emergency credential to any person to serve in the public schools unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills in the English language as provided in Section 44252.5. However, an emergency credential holder who has passed the basic skills proficiency test shall not be required to repeat the test in order to obtain a renewal of his or her emergency credential. The commission shall exempt from the basic skills proficiency test requirement any of the following persons:~~

~~(1) A person credentialed solely for the purpose of teaching adults in an apprenticeship program.~~

~~(2) An applicant for an adult education designated subject credential for other than an academic subject.~~

~~(3) A person credentialed in another state who is an applicant for employment in a school district in this state who has passed a basic skills proficiency examination which has been developed and administered by the school district offering that person employment, or by cooperating school districts, or by the~~

1 appropriate county office of education. School districts
2 administering a basic skills proficiency examination under this
3 paragraph shall comply with the requirements of subdivision (h)
4 of Section 44830. Such an applicant shall be granted a
5 nonrenewable credential, valid for not longer than one year,
6 pending fulfillment of the basic skills proficiency requirement
7 pursuant to Section 44252.5.

8 (4) An applicant for a child care center permit or a permit
9 authorizing service in a development center for the handicapped,
10 so long as the holder of the permit is not required to have a
11 baccalaureate degree.

12 (5) The holder of a credential, permit, or certificate to teach,
13 other than an emergency credential, who seeks an additional
14 authorization to teach.

15 (6) An applicant for a credential to provide service in the
16 health profession.

17 (e) By December 31, 1982, the Superintendent of Public
18 Instruction shall adopt an appropriate state test to measure
19 proficiency in these basic skills. In adopting the test, the
20 superintendent shall seek assistance from the commission and an
21 advisory board. A majority of the members of the advisory board
22 shall be classroom teachers. The board shall also include
23 representatives of local school boards, school administrators,
24 parents, and postsecondary institutions.

25 The superintendent shall adopt any normed test that the
26 superintendent determines will sufficiently test basic skills for
27 purposes of this section.

28 The superintendent, in conjunction with the commission and
29 approved teacher training institutions, shall take steps necessary
30 to insure the effective implementation of this provision.

31 (d) Nothing in this section shall be construed as requiring the
32 holders of, or applicants for, a designated subjects special
33 subjects credential or vocational designated subject credential to
34 pass the state basic skills proficiency test, unless the
35 requirements for the specific credential required the possession
36 of a baccalaureate degree. The governing board of each school
37 district, or each governing board of a consortium of school
38 districts, or each governing board involved in a joint powers
39 agreement, which employs a holder of a designated subjects
40 special subjects credential or vocational designated subject

1 ~~credential shall establish its own basic skills proficiency criteria~~
2 ~~for the holders of these credentials and shall arrange for those~~
3 ~~individuals to be assessed. The basic skills proficiency criteria~~
4 ~~established by the governing board shall be at least equivalent to~~
5 ~~the test required by the district, or in the case of a consortium or~~
6 ~~a joint powers agreement, by any of the participating districts, for~~
7 ~~graduation from high school. The governing board or boards may~~
8 ~~charge a fee to individuals being tested to cover the costs of the~~
9 ~~test, including the costs of developing, administering, and~~
10 ~~grading the test.~~

11 ~~(e) The commission shall compile data regarding the rate of~~
12 ~~passing the state basic skills proficiency test by persons who~~
13 ~~have been trained in various institutions of higher education. The~~
14 ~~data shall be available to members of the public, including to~~
15 ~~persons who intend to enroll in teacher education programs.~~

16 ~~(f) Each applicant to an approved credential program, unless~~
17 ~~exempted by subdivision (b), shall take the state basic skills~~
18 ~~proficiency test in order to provide both the prospective applicant~~
19 ~~and the program with information regarding the applicant's~~
20 ~~proficiency level. Test results shall be forwarded to each~~
21 ~~California postsecondary institution to which the applicant has~~
22 ~~applied. The program shall use test results to ensure that upon~~
23 ~~admission, each applicant receives appropriate academic~~
24 ~~assistance necessary to pass the state basic skills proficiency test.~~
25 ~~Persons residing outside the state shall take the test no later than~~
26 ~~the second available administration following their enrollment in~~
27 ~~a credential program.~~

28 ~~It is the intent of the Legislature that applicants for admission~~
29 ~~to teacher preparation programs not be denied admission on the~~
30 ~~basis of state basic skills proficiency test results.~~

31 ~~SEC. 2. Section 44252.5 of the Education Code is amended to~~
32 ~~read:~~

33 ~~44252.5. (a) The commission shall administer the state basic~~
34 ~~skills proficiency test pursuant to Sections 44227, 44252, and~~
35 ~~44830 in accordance with rules and regulations adopted by the~~
36 ~~commission. The adopted rules and regulations shall be~~
37 ~~promulgated by the commission before January 1, 1983, and~~
38 ~~shall be exempt from the requirements of Section 44232. A fee~~
39 ~~shall be charged to individuals being tested to cover the costs of~~
40 ~~the test, including the costs of developing, administering, and~~

~~grading the test. The commission shall establish the amount of this fee. However, the fee shall not exceed thirty dollars (\$30) in the 1982-83 fiscal year, thirty-five dollars (\$35) in the 1983-84 fiscal year, and forty dollars (\$40) for the 1984-85 fiscal year to January 1, 2002. Subsequent to January 1, 2002, the amount of the fee shall be established by the commission to recover the cost of examination administration and development pursuant to Section 44235.3.~~

~~(b) The commission may enter into agreements with other states permitting the use of the state basic skills proficiency test as a requirement for the issuance of credentials or for teacher preparation program admission in those other states, provided that the use would advance the interests of the State of California and that the other states reimburse the Teacher Credentials Fund for a proportionate share of costs of the development and administration of the test.~~

~~(c) Any individual who passes the state basic skills proficiency test, as adopted by the Superintendent of Public Instruction, shall be considered proficient in the skills of reading, writing, and mathematics, and shall not be required to be retested by this test for purposes of meeting the proficiency requirements of Sections 44227, 44252, and 44830.~~

~~(d) Any individual who passes one or more components of the state basic skills proficiency test in the subjects of basic reading, writing, or mathematics, shall be deemed to have demonstrated his or her proficiency in these subject areas and shall not be required to be retested in these subjects during subsequent test administrations.~~

~~SECTION 1. Section 44252 of the Education Code is repealed.~~

~~SEC. 2. Section 44252.5 of the Education Code is repealed.~~

~~SEC. 3. Section 44252.7 of the Education Code is amended to read:~~

~~44252.7. (a) Commencing on September 1, 1984, applicants for an initial regular children's center instructional permit, and applicants for the renewal of an emergency children's center permit or a limited service permit shall demonstrate proficiency in basic reading, writing, and mathematics skills by doing one of the following:~~

1 (1) Passing a proficiency test developed by a school district
2 pursuant to either Section 45361.5 or 51216.

3 (2) Having met the requirements for an associate degree or
4 baccalaureate degree.

5 (3) Passing a field-based assessment approved by the
6 Commission on Teacher Credentialing.

7 (b) If a child care and development program teacher employed
8 prior to September 1, 1984, in such a program receiving public
9 funds does not demonstrate proficiency in basic skills pursuant to
10 this section, he or she shall be given two years to master these
11 basic skills without jeopardizing the renewal of his or her permit,
12 and shall be given additional opportunities to be reassessed.

13 (c) Persons seeking compensation as a child care and
14 development program teacher in such a program who have
15 limited-English-speaking ability may be granted an additional
16 exemption to this requirement by the employing agency, for a
17 period of up to one year, if the agency deems that the exemption
18 is in the best interest of the children enrolled in the program. No
19 person shall be exempted from these requirements for more than
20 a total of three years.

21 (d) School districts receiving public funds to operate a child
22 care and development program under direct contract with the
23 department and subject to regulations set forth in Title 5 of the
24 California Administrative Code shall make available to persons
25 seeking compensation for work as teachers in the program the
26 test developed or administered pursuant to Section 45361.5 or
27 51216.

28 A school district may charge a fee to persons taking the test
29 pursuant to the requirements of this section to fund the actual
30 costs incurred by the district in giving the test.

31 (e) The department shall make available an appropriate test
32 meeting the requirements of this section to a person seeking
33 compensation for work as a child care and development program
34 teacher in such a center which is not administered by a school
35 district. School districts shall assist the department in fulfilling
36 this requirement by making available to the department, upon
37 request, the test developed or administered pursuant to Section
38 45361.5.

1 (f) The department may charge a fee to persons taking the test
2 pursuant to the requirements of this section to fund the actual
3 costs incurred by the department in giving the test.

4 SEC. 4. Section 44252.8 of the Education Code is repealed.

5 SEC. 5. Section 44252.9 of the Education Code is repealed.

6 SEC. 6. Section 44274 of the Education Code is amended to
7 read:

8 44274. (a) The commission shall conduct periodic reviews to
9 determine whether any state has established teacher preparation
10 standards, including standards for teachers of English learners,
11 that are at least comparable and equivalent to teacher preparation
12 standards in California.

13 (b) If the commission determines, pursuant to subdivision (a),
14 that the teacher preparation standards established by any state are
15 at least comparable and equivalent to teacher preparation
16 standards in California, the commission shall initiate negotiations
17 with that state to provide reciprocity in teacher credentialing.

18 (c) The commission shall grant an appropriate credential to any
19 applicant from another state who completes teacher preparation
20 that is at least comparable and equivalent to preparation that
21 meets teacher preparation standards in California, as determined
22 by the commission pursuant to this section, if the applicant meets
23 the requirements of California for teacher fitness pursuant to
24 Sections 44339, 44340, and 44341.

25 (d) The reciprocity established pursuant to subdivision (b)
26 shall not exempt an out-of-state applicant from submitting an
27 identification card pursuant to Section 44340 and obtaining a
28 certificate of clearance, credential, permit, or certificate of
29 eligibility from the commission.

30 (e) The commission shall issue credentials to out-of-state
31 prepared teachers based on all of the following:

32 (1) Equivalent preparation received outside of this state.

33 (2) Equivalent reading instruction, as determined by the
34 reviews conducted pursuant to Section 44274.1.

35 (3) Equivalent subject matter programs or credential emphasis
36 programs, as determined by the reviews conducted pursuant to
37 Section 44274.1.

38 SEC. 7. Section 44274.2 of the Education Code is amended to
39 read:

1 44274.2. (a) Notwithstanding any provision of this chapter,
2 the commission shall issue a five-year preliminary multiple
3 subject teaching credential authorizing instruction in a
4 self-contained classroom, a five-year preliminary single subject
5 teaching credential authorizing instruction in departmentalized
6 classes, or a five-year preliminary education specialist credential
7 authorizing instruction of special education pupils to any
8 experienced out-of-state prepared teacher who meets all of the
9 following requirements:

10 (1) Possesses a baccalaureate degree from a regionally
11 accredited institution of higher education.

12 (2) Completed a teacher preparation program at a regionally
13 accredited institution of higher education.

14 (3) In the case of an applicant for a five-year preliminary
15 single subject teaching credential, completed an academic major
16 in the subject area of the credential sought as determined by the
17 commission.

18 (4) Earned a valid corresponding elementary, secondary, or
19 special education teaching credential based upon the out-of-state
20 teacher preparation program.

21 (5) Verified a minimum of three years of full-time teaching
22 experience completed in another state in the subject of the
23 credential sought.

24 (6) Submitted evidence of rigorous performance evaluations
25 on which the applicant received ratings of satisfactory or better.

26 (b) The commission shall issue a professional clear multiple
27 subject, single subject, or education specialist teaching credential
28 to any applicant who provides verification of five or more years
29 of teaching experience to meet the requirement of subdivision
30 (a), and who documents, in a manner prescribed by the
31 commission, that he or she fulfills each of the following
32 requirements:

33 (1) The commission has issued to the applicant a preliminary
34 five-year teaching credential pursuant to subdivision (a).

35 (2) The applicant has completed 150 clock hours of activities
36 that contribute to his or her competence, performance, and
37 effectiveness in the education profession, and that assist the
38 applicant in meeting or exceeding standards for professional
39 preparation established by the commission.

1 (c) The commission shall issue a professional clear multiple
2 subject, single subject, or education specialist teaching credential
3 to any applicant who provides verification of three or four years
4 of teaching experience to meet the requirement of subdivision
5 (a), and who documents in a manner prescribed by the
6 commission, that he or she fulfills each of the following
7 requirements:

8 (1) The commission has issued to the applicant a preliminary
9 five-year teaching credential pursuant to subdivision (a).

10 (2) The applicant has completed either of the following:

11 (A) A program of beginning teacher support and assessment
12 established pursuant to Article 4.5 (commencing with Section
13 44279.1) of Chapter 2 of Part 24.

14 (B) An alternative program of beginning teacher induction that
15 the commission determines, in conjunction with the
16 Superintendent, meets state standards for teacher induction.

17 SEC. 8. Section 44274.5 of the Education Code is repealed.

18 SEC. 9. Section 44275.3 of the Education Code is amended to
19 read:

20 44275.3. Notwithstanding any other provision of law:

21 (a) It is the intent of the Legislature that
22 this section provide flexibility to enable school districts to
23 recruit credentialed out-of-state elementary, secondary, and
24 special education teachers to relocate to California.

25 (b) Notwithstanding any other provision of this chapter, the
26 commission shall issue a five-year preliminary multiple subject
27 or single subject teaching credential or a five-year preliminary
28 education specialist credential to any out-of-state prepared
29 teacher who fully meets all of the following requirements or
30 equivalent requirements as determined by the commission:

31 (1) Possesses a baccalaureate degree from a regionally
32 accredited institution of higher education.

33 (2) Completed a teacher preparation program at a regionally
34 accredited institution of higher education.

35 (3) Successfully completes any criminal background check
36 conducted pursuant to Sections 44339, 44340, and 44341 for
37 credentialing purposes.

38 (4) Earned or qualified for a corresponding elementary,
39 secondary, or special education teaching credential based upon
40 the out-of-state teacher preparation program. The commission

1 shall determine the area of concentration of the California
2 education specialist credential based on the special education
3 program completed out of state.

4 (c) The commission shall issue a professional clear credential
5 to an out-of-state prepared teacher who has met the requirements
6 in subdivision (b) and who meets the following requirements:

7 (1) Demonstration of subject matter competence by
8 completion of coursework or an examination approved by the
9 commission pursuant to paragraph (5) of subdivision (b) of
10 Section 44259. Completion of subject matter in another state that
11 is determined by the commission to be comparable or equivalent
12 pursuant to paragraph (1) of subdivision (a) of Section 44274.1
13 shall meet this requirement.

14 (2) Completion of a course, or for multiple subject and
15 education specialist credentials, a course or an examination, on
16 the various methods of teaching reading pursuant to paragraph
17 (4) of subdivision (b) of Section 44259. Completion of
18 coursework in another state determined by the commission to be
19 comparable and equivalent pursuant to paragraph (2) of
20 subdivision (a) of Section 44274.1 shall meet this requirement.

21 (3) Completion of a course or examination on the provisions
22 and principles of the United States Constitution pursuant to
23 paragraph (6) of subdivision (b) of Section 44259. Completion of
24 coursework in another state determined by the commission to be
25 comparable and equivalent shall meet this requirement.

26 (4) With the exception of the education specialist credential,
27 completion of study and field experience in methods of
28 delivering appropriate educational services to pupils with
29 exceptional needs in regular education programs. Completion of
30 coursework in another state determined by the commission to be
31 comparable and equivalent shall meet this requirement.

32 (5) Completion of the study of computer-based technology
33 through demonstration by course or examination of basic
34 competence in the use of computers in the classroom, and study
35 of advanced computer-based technology, including the uses of
36 technology in educational settings pursuant to subparagraph (C)
37 of paragraph (3) of subdivision (c) of Section 44259. Completion
38 of coursework in another state determined by the commission to
39 be comparable and equivalent shall meet this requirement.

1 (6) Completion of a fifth-year program at a regionally
2 accredited institution of higher education, except that the
3 commission shall eliminate this requirement for any candidate
4 who has completed an induction program for beginning teachers.
5 Completion of preparation in another state determined by the
6 commission to be comparable and equivalent to the requirement
7 specified by this paragraph shall meet this requirement.

8 ~~(6)–~~

9 (7) A teacher holding a specialist credential pursuant to this
10 section shall complete the requirements for nonspecial education
11 pedagogy and a supervised field experience program in general
12 education pursuant to Section 44265.

13 ~~(7)–~~

14 (8) A teacher holding a specialist credential pursuant to this
15 section shall complete a program for the Professional Level II
16 credential accredited by the Committee on Accreditation,
17 established pursuant to Section 44373, and the requirements
18 specified in this subdivision.

19 ~~SEC. 10. Section 44830 of the Education Code is repealed.~~

20 SEC. 10. Section 44830 of the Education Code is amended to
21 read:

22 44830. ~~(a)~~ The governing board of a school district shall
23 employ for positions requiring certification qualifications, only
24 persons who possess the qualifications therefor prescribed by
25 law. It is contrary to the public policy of this state for any person
26 or persons charged, by the governing boards, with the
27 responsibility of recommending persons for employment by the
28 boards to refuse or to fail to do so for reasons of race, color,
29 religious creed, sex, or national origin of the applicants for that
30 employment.

31 ~~(b) A school district governing board shall not initially hire on~~
32 ~~a permanent, temporary, or substitute basis a certificated person~~
33 ~~seeking employment in the capacity designated in his or her~~
34 ~~credential, unless that person has demonstrated basic skills~~
35 ~~proficiency as provided in Section 44252.5 or is exempted from~~
36 ~~the requirement by subdivision (e), (d), (c), (f), (g), (h), (i), (j),~~
37 ~~(k), (l), or (m).~~

38 ~~(1) The governing board of a school district, with the~~
39 ~~authorization of the Commission on Teacher Credentialing, may~~

1 ~~administer the state basic skills proficiency test required under~~
2 ~~Sections 44252 and 44252.5.~~

3 ~~(2) The superintendent, in conjunction with the commission~~
4 ~~and local governing boards, shall take steps necessary to ensure~~
5 ~~the effective implementation of this subdivision.~~

6 ~~It is the intent of the Legislature that in effectively~~
7 ~~implementing this subdivision, school district governing boards~~
8 ~~shall direct superintendents of schools to prepare for emergencies~~
9 ~~by developing a pool of qualified emergency substitute teachers.~~
10 ~~This preparation shall include public notice of the test~~
11 ~~requirements and of the dates and locations of administrations of~~
12 ~~the tests. District governing boards shall make special efforts to~~
13 ~~encourage individuals who are known to be qualified in other~~
14 ~~respects as substitutes to take the state basic skills proficiency~~
15 ~~test at its earliest administration.~~

16 ~~(3) Demonstration of proficiency in reading, writing, and~~
17 ~~mathematics by any person pursuant to Section 44252 satisfies~~
18 ~~the requirements of this subdivision.~~

19 ~~(e) (1) A certificated person is not required to take the state~~
20 ~~basic skills proficiency test if he or she has been employed in a~~
21 ~~position requiring certification in any school district within 39~~
22 ~~months prior to employment with the district or if he or she is a~~
23 ~~retired certificated employee who meets all of the following~~
24 ~~requirements:~~

25 ~~(A) He or she has taught 15 years or more in a California~~
26 ~~public school.~~

27 ~~(B) He or she has been employed at least five of those 15~~
28 ~~years in the same school district that desires to reemploy that~~
29 ~~person and has been employed as a full-time classroom teacher~~
30 ~~within the last five years or concurrently enrolls in a teacher~~
31 ~~refresher course that meets all of the following requirements:~~

32 ~~(i) The course is developed and administered by the~~
33 ~~employing school district.~~

34 ~~(ii) The course is aligned with the state content and~~
35 ~~performance standards for pupils, adopted pursuant to~~
36 ~~subdivision (a) of Section 60605.~~

37 ~~(iii) The course is approved by the local governing board.~~

38 ~~(C) He or she has been employed as a classroom teacher or~~
39 ~~administrator within the last 10 years.~~

1 ~~(2) A person holding a valid California credential who has not~~
2 ~~been employed in a position requiring certification in any school~~
3 ~~district within 39 months prior to employment and who has not~~
4 ~~taken the state basic skills proficiency test, but who has passed a~~
5 ~~basic skills proficiency examination that has been developed and~~
6 ~~administered by the school district offering that person~~
7 ~~employment, may be employed by the governing board of that~~
8 ~~school district on a temporary basis on the condition that he or~~
9 ~~she will take the state basic skills proficiency test within one year~~
10 ~~of the date of his or her employment.~~

11 ~~(3) A certificated person who is employed for purposes of the~~
12 ~~class size reduction program set forth in Chapter 6.10~~
13 ~~(commencing with Section 52120) of Part 28 is not required to~~
14 ~~take the state basic skills proficiency test if he or she has been~~
15 ~~employed in a position requiring certification in any school~~
16 ~~district within 39 months prior to employment with the district. A~~
17 ~~person holding a valid California credential who has not been~~
18 ~~employed in a position requiring certification in any school~~
19 ~~district within 39 months prior to employment for purposes of the~~
20 ~~class size reduction program and who has not taken the state~~
21 ~~basic skills proficiency test may be employed by the governing~~
22 ~~board of that school district on a temporary basis on the condition~~
23 ~~that he or she will take the state basic skills proficiency test~~
24 ~~within one calendar year of the date of his or her employment.~~

25 ~~(d) This section does not require a person employed solely for~~
26 ~~purposes of teaching adults in an apprenticeship program,~~
27 ~~approved by the Apprenticeship Standards Division of the~~
28 ~~Department of Industrial Relations, to pass the state proficiency~~
29 ~~assessment instrument as a condition of employment.~~

30 ~~(e) This section does not require the holder of a child care~~
31 ~~permit or a permit authorizing service in a development center~~
32 ~~for the handicapped to take the state basic skills proficiency test,~~
33 ~~so long as the holder of the permit is not required to have a~~
34 ~~baccalaureate degree.~~

35 ~~(f) This section does not require the holder of a credential~~
36 ~~issued by the commission who seeks an additional credential or~~
37 ~~authorization to teach, to take the state basic skills proficiency~~
38 ~~test.~~

39 ~~(g) This section does not require the holder of a credential to~~
40 ~~provide service in the health profession to take the state basic~~

1 ~~skills proficiency test, if that person does not teach in the public~~
2 ~~schools.~~

3 ~~(h) If the state basic skills proficiency test is not administered~~
4 ~~at the time of hiring, the holder of a vocational designated subject~~
5 ~~credential who has not already taken and passed the state basic~~
6 ~~skills proficiency test may be hired on the condition that he or~~
7 ~~she will take the test at its next local administration.~~

8 ~~(i) If the holder of a vocational designated subject credential~~
9 ~~does not pass a proficiency assessment in basic skills pursuant to~~
10 ~~this section, he or she shall be given one year in which to retake~~
11 ~~and pass the proficiency assessment in basic skills. If at the~~
12 ~~expiration of the one-year period he or she has not passed the~~
13 ~~proficiency assessment in basic skills, he or she shall be subject~~
14 ~~to dismissal under procedures established in Article 3~~
15 ~~(commencing with Section 44930).~~

16 ~~(j) This section does not require the holder of a vocational~~
17 ~~designated subject credential to pass the state basic skills~~
18 ~~proficiency test as a condition of employment. The governing~~
19 ~~board of each school district, or each governing board of a~~
20 ~~consortium of school districts, or each governing board involved~~
21 ~~in a joint powers agreement, which employs the holder of a~~
22 ~~vocational designated subject credential shall establish its own~~
23 ~~basic skills proficiency for these credentials and shall arrange for~~
24 ~~those individuals to be assessed. The basic skills proficiency~~
25 ~~criteria established by the governing board shall be at least~~
26 ~~equivalent to the test required by the district, or in the case of a~~
27 ~~consortium or a joint powers agreement, by any of the~~
28 ~~participating districts, for graduation from high school. The~~
29 ~~governing board or boards may charge a fee to individuals being~~
30 ~~tested to cover the costs of the test, including the costs of~~
31 ~~developing, administering, and grading the test.~~

32 ~~(k) This section does not require the holder of an adult~~
33 ~~education designated subject credential for other than academic~~
34 ~~subjects, who is employed in an instructional setting for 20 hours~~
35 ~~or less per week, to pass the state proficiency assessment as a~~
36 ~~condition of employment.~~

37 ~~(l) This section does not require certificated personnel~~
38 ~~employed under a foreign exchange program to take the state~~
39 ~~basic skills proficiency test. The maximum period of exemption~~
40 ~~under this subdivision shall be one year.~~

1 ~~(m) Notwithstanding any other law, a school district may hire~~
2 ~~a certificated teacher who has not taken the state basic skills~~
3 ~~proficiency test if that person has not yet been afforded the~~
4 ~~opportunity to take the test. The person shall take the test at the~~
5 ~~earliest opportunity and may remain employed by the district~~
6 ~~pending the receipt of his or her test results.~~

7 SEC. 11. Section 13 of Chapter 902 of the Statutes of 2004 is
8 repealed.

O